

Kansas Corporation Commission
Commission Meeting
July 12, 2016
10:00 a.m. 1st floor hearing room
KCC Offices, 1500 Arrowhead, Topeka, Kansas

MINUTES

The Commission convened the regular scheduled open meeting of the Commission at 10:00 a.m. on July 12, 2016 in the 1st floor hearing room of the Kansas Corporation Commission, 1500 Arrowhead, Topeka, Kansas.

Present: Chairman Emler, Commissioner Albrecht and Commissioner Apple. The following were considered by the Commission:

1. **Consent Agenda:** Chairman Emler requested Item Number 15: Docket Number 16-KCPE-446-TAR *Order Granting Petition for Intervention of the National Housing Trust* and Item Number 16: Docket Number 16-KCPE-446-TAR *Order Granting Petition to Intervene of Brightergy, LLC* be removed from the Consent Agenda for consideration at a later date. Deputy General Counsel advised the typographical errors in the Item Number 10 had been corrected. Commissioner Apple moved for approval of the remaining items on the Consent Agenda, including the corrected Item Number 10: 16-BHCG-293-TAR *Application for Black Hills/Kansas Gas Utility Company* : All other listed matters as presented for July 12, 2016 on the five page document attached hereto as "Attachment A," which is included by reference herein. Commissioner Albrecht seconded the Motion. Motion was approved.

2. **Noticed:**

- A. **Docket No. 16-CONS-3876-CMSC: *In the matter of a Compliance Agreement between Steven A. Leis and Commission Staff regarding bringing the twenty-eight wells in Woodson County into compliance with K.A.R. 82-3-111.***

Chairman Emler requested order #16-2203 - *Order Denying Pleading Titled Response* to be passed over if there was no objection. There was no objection.

- B. **Docket No. 16-GIME-403-GIE: *In the Matter of the General Investigation to Examine Issues Surrounding Rate Design for Distributed Generation Customers.***

Commissioner Albrecht moved for approval of order #16-2219 - *Order Opening General Investigation*. Commissioner Apple seconded the motion. Motion was approved.

- C. **Docket No. 16-GIMT-468-GIT: *In the Matter of an Investigation to Determine Intrastate Access Revenue Due to Rural Local Exchange Carriers.***

Commissioner Albrecht moved for approval of order #16-2222 - *Order*. Commissioner Apple seconded the motion. Motion was approved.

3. **Discussion/Presentation Item(s):**

- A. **Presentation of Employee Separation Policy**

Presenter: Jared Harsin, Director of Human Resources

Commissioner Albrecht moved to adopt Agency Employee Policy 16-05, Employee Separation Policy. Commissioner Apple seconded the motion. The motion was approved. The policy is attached hereto as "Attachment B".

4. Other Matters:

- A. Chairman Emler moved to meet in Executive Session for Personnel matters of non-elected personnel, pursuant to KSA 75-4319(b)(1), to protect the privacy of the individuals involved for a period of 15 minutes. Also called into Executive Session was Director of Human Resources, Jared Harsin. Commissioner Albrecht seconded the motion. The motion was approved.

The Commission moved into Executive Session at 10:09 a.m. and reconvened in public session at 10:24 a.m.

The Commission took no action following the Executive Session.

- B. Chairman Emler moved to meet in Executive Session for Personnel matters of non-elected personnel, pursuant to KSA 75-4319(b)(1), to protect the privacy of the individuals involved for a period of 10 minutes. Also called into Executive Session was Director of Human Resources, Jared Harsin. Commissioner Albrecht seconded the motion. The motion was approved.

The Commission moved into Executive Session at 10:26 a.m. and reconvened in public session at 10:36 a.m.

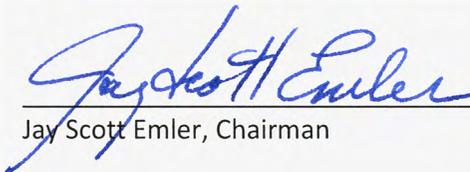
The Commission took no action following the Executive Session.

There being no further matters before the Commission, Commissioner Albrecht moved for adjournment of the Commission meeting. Commissioner Apple seconded the motion. The motion was approved. The Commission adjourned the July 12, 2016 Commission Meeting at 10:37 a.m.

Respectfully submitted,



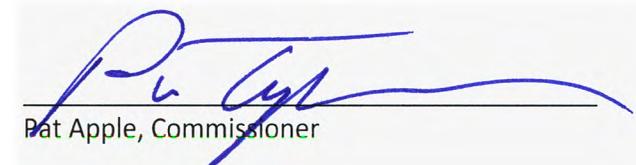
Amy L. Green
Secretary to the Commission



Jay Scott Emler, Chairman



Shari Feist Albrecht, Commissioner



Pat Apple, Commissioner



ITEMS OF Consent Agenda

Approval Date: Tuesday, July 12, 2016

NOTICE TO THE PUBLIC: There will be no separate discussion of Consent Agenda items as they are considered to be routine by the Kansas Corporation Commission. Unless removed from the website's Consent Agenda, the orders appearing on the Consent Agenda will become the Order of the full Commission at the Commission's regularly scheduled Business Meeting. If Commission staff or a Commissioner requests an item be removed from the Consent Agenda, the affected item may be considered separately or placed on the earliest possible Business Meeting agenda for discussion.

Consent Agenda

ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
1	In the Matter of the Audit of Cox Kansas Telecom LLC d/b/a Cox Communications by the Kansas Universal Service Fund (KUSF) Administrator Pursuant to K.S.A. 2014 Supp. 66-2010(b) for KUSF Operating Year 18, Fiscal Year March 2014-February 2015. <i>Order Accepting and Adopting GVNW Consulting, Inc.'s Audit Report and Recommendation</i>	16-COXT-027-KSF	
2	In the Matter of the Audit of UnitedTelephone of Kansas d/b/a CenturyLink (LEC) by the Kansas Universal Service Fund (KUSF) Administrator Pursuant to K.S.A. 2014 Supp. 66-2010(b) for KUSF Operating Year 18, Fiscal Year March 2014-February 2015. <i>Order Accepting and Adopting GVNW Consulting Inc.'s Audit Report and Recommendations</i>	16-UTDT-028-KSF	
3	In the Matter of the Audit of TWC Digital Phone LLC by the Kansas Universal Service Fund (KUSF) Administrator Pursuant to K.S.A. 2014 Supp. 66-2010(b) for KUSF Operating Year 18, Fiscal Year March 2014-February 2015. <i>Order Accepting and Adopting GVNW Consulting, Inc.'s Audit Report and Recommendations</i>	16-TWCZ-029-KSF	

Consent Agenda

ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
4	In the Matter of the Audit of CenturyLink Communications, LLC by the Kansas Universal Service Fund (KUSF) Administrator Pursuant to K.S.A. 2014 Supp. 66-2010(b) for KUSF Operating Year 18, Fiscal Year March 2014-February 2015. Order Accepting and Adopting GVNW Consulting Inc.'s Audit Report and Recommendations	16-QWCT-032-KSF	
5	In the Matter of the Audit of Time Warner Cable Business LLC by the Kansas Universal Service Fund (KUSF) Administrator Pursuant to K.S.A. 2014 Supp. 66-2010(b) for KUSF Operating Year 18, Fiscal Year March 2014-February 2015. Order Accepting and Adopting GVNW Consulting Inc.'s Audit Report and Recommendations	16-TWBC-036-KSF	
6	In the Matter of a General Investigation to Address Issues Concerning the Kansas Lifeline Service Program. Order Opening Docket; Soliciting Comments; Procedural Matters and Schedule	16-GIMT-575-GIT	
7	In the Matter of the Requirement that VoIP Providers File Notices of Intent to Request Numbers to the Commission 30 Days Prior to Requesting Numbers from the North American Numbering Plan(NANP) Order Opening Compliance Docket for Interconnected VoIP Providers to Notify Commission of Intent to Request Numbers	16-GIMT-579-CPL	
8	In the Matter of Southwestern Bell Telephone Company's Petition for Expedited Review of a NANPA or PA Decision to Withhold Growth Numbering Resources Flowing the Expedited Review Process for the Assignment of Numbering Resources in the Kansas City Rate Center. Order Overturning Thousands-Block Number Pooling Administrator's Decision Denying SWBT an Additional Number Block	16-SWBT-589-MIS	
9	In the Matter of the Complaint Against Kansas Gas Service Company and NPL by Virginia L. Mendez Order Dismissing Complaint	16-KGSG-102-COM	
10	In the Matter of the Application of Black Hills/Kansas Gas Utility Company, LLC, d/b/a Black Hills Energy, to Amend its Line Extension Tariff to Allow for a Financing Provision Related to Non-Refundable Contribution in Aid of Construction Order Granting Black Hills' Motion for Stay	16-BHCG-293-TAR	
11	In the Matter of the Application of Black Hills/Kansas Gas Utility Company, LLC, d/b/a Black Hills Energy, to Amend its Service Fees Tariff to Reduce Fees Charged by Vendor for Credit, Debit and ATM Card Payments Suspension Order; Order Granting Intervention	16-BHCG-591-TAR	
12	In the Matter of the Application of Westar Energy, Inc. and Kansas Gas and Electric Company to Make Certain Changes in Their Charges for Electric Service. Order Granting Joint Motion to Amend Community Solar Program	15-WSEE-115-RTS	
13	In the Matter of a General Investigation Regarding the U.S. Environmental Protection Agency's Final Rule on Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units. Order Staying Proceedings	16-GIME-242-GIE	

Consent Agenda

ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
14	In the Matter of the General Investigation to Examine Issues Surrounding Rate Design for Distributed Generation Customers Order Designating Prehearing Officer; and Protective and Discovery Order	16-GIME-403-GIE	
15	In the Matter of the Application of Kansas City Power & Light Company For Approval of Its Demand-Side Management Portfolio Pursuant to the Kansas Energy Efficiency Investment Act ("KEEIA"), K.S.A. 66-1283. Order Granting Petition for Intervention of the National Housing Trust	16-KCPE-446-TAR	✓
16	In the Matter of the Application of Kansas City Power & Light Company For Approval of Its Demand-Side Management Portfolio Pursuant to the Kansas Energy Efficiency Investment Act ("KEEIA"), K.S.A. 66-1283. Order Granting Petition to Intervene of Brightergy, LLC	16-KCPE-446-TAR	✓
17	In the Matter of the Application of Kansas City Power & Light Company For Approval of Its Demand-Side Management Portfolio Pursuant to the Kansas Energy Efficiency Investment Act ("KEEIA"), K.S.A. 66-1283. Order Setting Procedural Schedule	16-KCPE-446-TAR	
18	In the Matter of the Application of Prairie Land Electric Cooperative, Inc. Seeking Commission Approval to Update its Local Access Delivery Service Tariff Pursuant to the 34.5kV Formula Based Plan Approved in Docket No. 16-MKEE-023-TAR Order Designating Prehearing Officer and Setting Procedural Schedule	16-PLCE-490-TAR	
19	In the Matter of the Application of The Victory Electric Cooperative Association, Inc. Seeking Commission Approval to Update its Local Access Delivery Service Tariff Pursuant to the 34.5kV Formula Based Rate Plan Approved in Docket No. 16-MKEE-023-TAR. Order Designating Prehearing Officer and Setting Procedural Schedule	16-VICE-494-TAR	
20	In the Matter of Application of Western Cooperative Electric Association, Inc. Seeking Commission Approval to Update Its Local Access Delivery Service Tariff Pursuant to the 34.5kV Formula Based Rate Plan Approved in Docket No. 16-MKEE-023-TAR Order Designating Prehearing Officer and Setting Procedural Schedule	16-WSTE-496-TAR	
21	In the Matter of the Emergency Suspension of Operating Authority of Sergio Raymundo, d/b/a Sergios Portable Welding of Wichita, Kansas, for Failure to Comply With New Entrant Safety Requirements as Required by Motor Carrier Safety Statutes, Rules and Regulations. Order Reinstating Motor Carrier Operating Authority	15-TRAM-423-OOS	
22	In the Matter of the Investigation of Griffiths & Coder Custom Chopping LLC of Effingham, Kansas, Regarding the Violation(s) of the Motor Carrier Safety Statutes, Rules and Regulations and the Commission's Authority to Impose Penalties, Sanctions and/or the Revocation of Motor Carrier Authority. Penalty Order	16-TRAM-592-PEN	

Consent Agenda

ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
23	In the Matter of the Investigation of Rodriguez Mechanical Contractors, Inc. of Kansas City, Kansas, Regarding the Violation(s) of the Motor Carrier Safety Statutes, Rules and Regulations and the Commission's Authority to Impose Penalties, Sanctions and/or the Revocation of Motor Carrier Authority. Penalty Order	16-TRAM-595-PEN	
24	In the Matter of the Investigation of Varco Motors, LLC of Denison, Kansas, Pursuant to the Kansas Highway Patrol Issuance of a Notice of Violation for Violation(s) of the Kansas Motor Carrier Safety Statutes, Rules and Regulations and the Commission's Authority to Impose Penalties, Sanctions and/or the Revocation of Motor Carrier Authority. Order to Dismiss Request for Hearing	16-GIMM-480-KHP	
25	In the matter of the application of Kiowa Gas Company ("Operator") for an exception to the 10-year time limitation of K.A.R. 82-3-111 for its Eula May #2-16 well located in the SW/4 NE/4 of Section 16, Township 33 South, Range 22 West, Clark County, Kansas. Order Designating Prehearing Officer & Setting Prehearing Conference	16-CONS-4020-CEXC	
26	In the matter of the application of Max Papay LLC for an exception to the 10 year time limitation of K.A.R. 82-3-111 for its Sneed 1-14 well located in the N2 SW-NW Section 14, Township 34 South, Range 30 West, Meade County, Kansas. Order Granting Application	16-CONS-4049-CEXC	
27	In the matter of the application of Berexco LLC for an exception to the 10-year time limitation of K.A.R. 82-3-111 for its Schraeder #2 well located in E/2 SE NW of Sec 3, T24S, R24W Hodgeman County, Kansas. Order Granting Application	16-CONS-4101-CEXC	
28	In the matter of the application of Berexco LLC for an exception to the 10-year time limitation of K.A.R. 82-3-111 for its Sutor B 1 SWD well located in the SE SE SE of Sec 18, T9S, R21W Graham County, Kansas. Order Granting Application	16-CONS-4102-CEXC	
29	In the matter of the application of Berexco LLC for an exception to the 10-year time limitation of K.A.R. 82-3-111 for its Hummel 3 well located in the NW NW SW of Sec 30, T14S, R14W Russell County, Kansas. Order Granting Application	16-CONS-4103-CEXC	
30	In the matter of the application of Linn Operating, Inc. for an exception to the 10-year time limitation of K.A.R. 82-3-111 for its Tate-Unrein Unit 3 well located in the SW/4 of Section 5, Township 26 South, Range 35 West, Kearny County, Kansas. Order Granting Application	16-CONS-4107-CEXC	
31	In the matter of the application of Merit Energy Company, LLC, for an exception to the 10-year time limitation of K.A.R. 82-3-111 for its FMU 301 well in the Southeast Quarter of the Northwest Quarter of the Northeast Quarter of Section 25, Township 27 South, Range 34 West, Haskell County, Kansas. Order Granting Application	16-CONS-3980-CEXC	

Consent Agenda

ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
32	In the matter of the application of Daniel Rice for a Well Location Exception for their domestic Gas well located at 21320 Kill Creek, Spring Hill, Johnson County, Kansas. <i>Order Vacating Order Granting Application, Designating Prehearing Officer, and Setting Prehearing Conference</i>	16-CONS-3984-CWLE	

The above-captioned matter(s) were approved by the Commission, unless noted as removed.

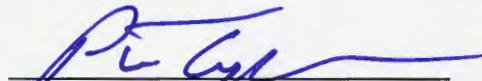
For the Commission :



Jay Scott Emler, Chairman



Shari Feist Albrecht, Commissioner



Pat Apple, Commissioner

Attest:



Amy L. Green
Secretary to the Commission

**KANSAS CORPORATION COMMISSION
AGENCY EMPLOYEE POLICY**

TITLE/SUBJECT: Employee Separation
Policy Number: 16-05

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Approved by: The Commission

Effective Date: July 12, 2016

Purpose:

To establish agency protocol and policy when an employee is separated from the Kansas Corporation Commission (KCC) through resignation or termination.

Policy:

This policy applies to all employees, including classified and unclassified, full-time, part-time, regular and temporary employees.

Immediately upon learning an employee will be separating their employment with the KCC, the supervisor shall be responsible for communicating the separation to Human Resources Division. The Human Resources Division shall be responsible for notifying all appropriate divisions/personnel in a timely manner to ensure the procedures of this policy and any other policies are followed. These policies include, but are not limited to:
KCC policies 15-09 and 15-03.

- Employees who voluntarily terminate their employment should provide at least a two-week written notice of resignation to their immediate supervisor and the Human Resources Department.
- Once the resignation has been received, supervisors shall not permit an employee to rescind a resignation whether it was given verbally or in writing, as this must be specifically approved by the Appointing Authority.
- If an employee provides less than a two week written notice, the employee should be advised that the notice requirement will be entered as such into the State Human Resources information system (ShaRP) and this may impact future employment with the KCC and/or the State of Kansas.

TITLE/SUBJECT: Employee Separation

Policy Number: 16-05

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- Immediately following the separated employee's last physical day at the KCC, the Human Resources Division shall be responsible for all communication with the separated employee regarding their past employment, questions or concerns regarding separation, financial matters, questions regarding the Employee Health Plan and/or Insurance, and any requests for personal items. The Human Resource Division will be responsible for retrieval of any personal items requested by the separated employee. Any communications (requests) from a separated employee should be forwarded to the Human Resources Division immediately to ensure that all requests are appropriately addressed. All mail or correspondence addressed to the separated employee shall be forwarded to the Human Resources Division to be collected and processed.

- Immediately following the separated employee's last physical day at the KCC, the workstation or office of a separated employee will be secured for the purpose of appropriate documentation and inventory. The workstation/office shall be strictly off limits unless deemed appropriate by the Appointing Authority. The Human Resources Division shall be responsible for the documentation and inventory of the workstation/office.

Originated: July 2016

Updated: